

Arts Council of Wales

Complaints Procedure

October 2019





Arts Council of Wales is committed to making information available in large print, braille, audio, Easy Read and British Sign Language and will endeavour to provide information in languages other than Welsh or English on request.

Arts Council of Wales operates an equal opportunities policy.

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Introduction

The procedures in this section provide for the Arts Council of Wales (the Arts Council) to respond appropriately to complaints. All the lottery distributors in the UK use this procedure. These provisions apply to our employees, members of our Council, our Committees and Arts Associates, and to all aspects of our work, not just lottery funding.

Making a complaint will not affect in any way the level of service you receive from us. For example, if your complaint is about an application for funding, this will not affect your chances of getting a grant from us in the future.

What can I complain about?

You can complain if you think that:

- ‘maladministration’ has taken place (for example, if we have delayed, made mistakes in or failed to follow the procedures in our application process);
- we have failed to give you access to information or have given you incorrect advice or information;
- we have not treated you politely; or
- we have discriminated against you or not treated you fairly.

If your complaint is about an application for funding, we can only look at your application again if:

- we discover (through dealing with a complaint) that we did not follow the published procedures for assessing your application;
- you can show that we have misunderstood a significant part of your application; or
- you can show that we did not take notice of relevant information.

If you need any help, you can contact your local citizens advice bureau (their contact details may be found in telephone directories or at www.citizensadvice.org.uk).

We will keep all complaints confidential. If you make a complaint, we will treat you with respect, and we expect you to treat our staff in the same way.

What you cannot complain about

You may be disappointed if we turn down your application for funding, but you cannot use the complaints procedure to appeal against our decision on giving a grant if we have followed our decision-making process correctly.

If you wish to complain about someone or something that we may have funded please see our [website](#) for further details on how to do this.

You cannot complain about our published policies or any government policy.

If you have any comments about our policies, please send these to our Chief Executive.

Do not use this complaints procedure to make a complaint about any fraud you think has taken place. You should report this in writing to our Chief Executive or Chair of Audit Committee. Please see [Getting in Touch](#) at the end of this document.

How do I make a complaint?

Stage one

If you are not happy with the service you have received, contact the department or member of staff you first dealt with, within 3 months of the action or decision to which the complaint refers. They will try to put things right. You may not be sure what information you should include or how best to set out your complaint. You should set out the facts as clearly as possible, in a logical order and include the following information:

- Briefly, what the complaint is about
- When it happened
- Who originally dealt with the matter
- What you would like to happen to remedy the situation

Remember to include important details and dates where possible. We can give you information about how we will process your complaint. We hope that we can settle complaints as quickly as possible in this way. Our contact details are given in the 'Getting in touch' section at the end of this document.

Stage two

If you are not satisfied with the response you receive, you can take this further by contacting our Chief Executive at Corporate@arts.wales

Please tell us:

- what happened;
- when it happened;
- who dealt with you; and
- what you would like us to do to put things right.

Where the complaint regards an application for funding and falls within the guidelines outlined above, copies of the following information are also required:

- The original application for funding to us
- Any documents or other material that was enclosed with the application
- The decision letter received from us
- Any other letters or documentation sent by either party in relation to the application

Also tell us if there is anything we need to know about how to contact you.

You must do this within four weeks of receiving our response to stage one.

If you cannot make your complaint in writing, please telephone us on 03301 242733

When will I hear from you?

Within three working days of receiving your complaint we will write to or phone you to say that we have received it. We will also tell you how you can contact the person who is dealing with your complaint and when you can expect a reply.

You will receive a reply to your complaint within 10 working days. If we cannot give a full reply in this time, we will tell you why and when you are likely to receive it.

We may ask you to come to a meeting with us to discuss your complaint in more detail. This meeting would normally be held within 10 working days of us receiving your complaint. We would send you a written record of the meeting and a formal reply to your complaint from our Chief Executive. The complaint and outcome will be logged.

If your complaint is about the way we have used our powers to make, refuse or manage funding, you can then move on to stage three. If your complaint is about the way we conduct any other aspect of our business, we will let you know about alternatives that

may be open to you. In our response to stage two we will tell you whether stage three is open to you.

Stage three

If you are not satisfied with our Chief Executive's reply, you can refer your complaint to the Independent Complaints Reviewer (ICR).

The ICR is unbiased and hears both sides of the complaint.

The ICR is not part of our organisation and their investigations and recommendations are independent. You can ask the ICR to look at your complaint, or our Chief Executive can ask them to do this. There is no charge for using the ICR. The ICR's office will contact you within five working days of receiving your complaint.

The ICR has the power to decide whether or not to investigate a complaint, and will explain their reasons if they decide not to investigate it.

If the ICR investigates your complaint and finds that it is justified, he or she will recommend ways for us to put things right, and how to prevent a similar situation in future. The ICR will report within three months, and usually more quickly. We will normally make any changes the ICR recommends to our current procedures as quickly as possible.

The ICR cannot consider complaints that have not gone through the procedure set out in this document. If you want the ICR to consider your complaint, this must be done within four weeks of receiving our Chief Executive's reply.

The ICR cannot reverse funding decisions or make comments or changes to our legal responsibilities and policies on awarding grants.

If you wish to progress to Stage 3 please contact Governance@arts.wales and we will make the arrangements for you.

Other ways to make a complaint

The Public Services Ombudsman for Wales

The Public Services Ombudsman for Wales investigates complaints by members of the public who have suffered injustice because of maladministration by public organisations.

By law, the Ombudsman is independent of the Government and the civil service and has wide powers to investigate.

The Ombudsman does not normally investigate complaints if they have not been through our complaints' procedures first.

The Ombudsman's services are free.

You can get an explanatory leaflet about the Ombudsman – see ‘Getting in touch’ at the end of this document.

Judicial review

A judicial review is where a judge examines your complaint to see whether we have behaved illegally. The judge cannot rule that we must change a funding decision, but can ask us to reconsider our decision.

Welsh Language Complaints

Complaints regarding Welsh language issues will be dealt with in the first instance by our Welsh Language Monitoring Group (WLMG).

- Complaints should be addressed in writing to the Chair of WLMG and should be marked ‘confidential’.
- We will write to you within 3 working days of receipt, acknowledging your complaint and informing you that it will be considered at the next meeting of the WLMG. The meeting will wherever possible, be held within 10 working days from receipt of the complaint. If this is not practicable, we will inform you of the reason why and a date given.
- At the meeting, the WLMG will decide if the complaint is to be upheld, and if any action is to be taken. The chair of the WLMG will inform you of the decision in writing.
- The complaint and outcome will be recorded and logged by the WLMG to ensure continuity if the process is taken further.
- If you are dissatisfied with the outcome, you can request that the matter be considered by our Senior Leadership Team (SLT).
- If the complainant remains dissatisfied with the outcome after SLT’s review, they have the right to approach either the Welsh Language Commissioner, Public Service Ombudsman for Wales or the Independent Complaints Reviewer as outlined above in Stage Three of the Complaints Procedure.
- The outcome of the Independent Review will be logged by the WLMG to ensure consistency, should it be taken further (see Judicial Review).

Freedom of information

Our publication scheme gives details of what information we make available to the public as a matter of course.

If you want information that we do not include in our publication scheme, the Freedom of Information Act 2000 gives you the right to ask us for it. Under the Act, we must provide you with the information you ask for unless it is not covered by the Act (that is, it is 'exempt'). If the information you want is exempt, we have to tell you why.

If you do not agree with us, you should follow stages one and two of the procedures set out in this document. If you are still not satisfied, you may ask the Information Commissioner to review our decision.

You can get a copy of our publication scheme by visiting www.arts.wales or by telephoning 03301 242733.

To contact the Information Commissioner, see 'Getting in touch' at the end of this document.

Your personal information

If you use our complaints procedure, you are agreeing that we can use any personal information you send us for purposes connected with your complaint. We may also give your personal information to other people and organisations if we have to do so by law or if you have given us permission.

Equal opportunities

We are committed to equal opportunities and take complaints about discrimination seriously.

We may use complaints about discrimination to review our policies and procedures. This is to make sure we treat everyone equally.

We may record information about the ethnic background, sex and disability of everyone who makes a complaint so that we promote and maintain our equal opportunities commitment. We will keep all information confidential.

Comments and suggestions

We welcome comments and suggestions as these can help us improve our services. Please send any comments or suggestions to the director, information. The contact details are given in 'Getting in touch'.

Getting in touch

You can contact our Chief Executive at:

Arts Council of Wales
Bute Place
Cardiff
CF10 5AL

Website: www.arts.wales

Phone: 03301 242733

Email: Corporate@arts.wales

You can get the addresses of all our offices from our website, or by telephoning 03301242733. You can also make general enquiries at that number.

You can contact our Chair of Audit Committee at ChairofAuditCommittee@arts.wales

For complaints regarding Welsh language issues, you may contact:

Welsh Language Commissioner

Market Chambers
5-7 St Mary Street
Cardiff
CF10 1AT

Phone: 0345 6033 221

Email: post@welshlanguagecommissioner.wales

To get information about the Freedom of Information Act you can contact:

The Information Commissioner

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Phone: 0303 123 1113

<https://ico.org.uk/make-a-complaint/>

You can get an explanatory leaflet about the Ombudsman from:

The Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae,
Pencoed,
CF35 5LJ

Phone: 0300 790 0203

Email: ask@ombudsman.wales